

Arizona Department of Corrections

2010 Equal Opportunity Employment Policy Statement

In recognition of its legal and moral obligations, the Arizona Department of Corrections hereby commits itself to a policy of nondiscrimination as follows:

1. All personnel transactions shall be upon merit without regard to race, color, sex, sexual orientation, religion, national origin, age, veteran status, disability status (except when any of these factors is an existing bona fide occupational qualification). To determine the qualifications of veterans, only that portion of their military record, including discharge papers, which is relevant to the job for which the veteran is being considered, should be used.
2. All Arizona Department of Corrections management personnel shall actively support recruitment and career development programs to ensure equitable representation of minorities, females, youth, seniors, LGBT and individuals with disabilities, special disabled veterans and Vietnam Era veterans in all job categories and pay grades.
3. The Arizona Department of Corrections will incorporate reasonable accommodation personnel practices in order to facilitate the employment and advancement of qualified special disabled veterans and disabled persons. Reasonable accommodations will be provided to otherwise qualified applicants or employees with disabilities, unless the accommodation would impose an undue hardship on the operation of the Department or would impose a direct threat to the health or safety of the individual or others in the workplace.
4. The Arizona Department of Corrections shall not discriminate against any qualified employee or applicant for employment because he or she is a person with a disability, a disabled veteran or a Vietnam Era veteran. Equal Opportunity applies to such employment practices as hiring, promotion, demotion, transfer, recruitment, advertising, layoff, termination, rates of pay or other forms of compensation, selection for training, job assignments, accessibility, working conditions and special duty details.
5. Harassment on the basis of sex is a violation of Federal and State employment discrimination laws, and harassment on the basis of sex or sexual orientation will not be tolerated in the workplace. The Arizona Department of Corrections shall not tolerate discrimination in the agency as it creates an intimidating, degenerating, hostile and offensive working environment. Persons harassing and/or condoning harassment of others will be dealt with swiftly and vigorously by disciplinary action up to and including termination. Each employee has an

affirmative duty to maintain a workplace free of harassment, intimidation, discrimination, and retaliation.

6. The Department will post the Equal Opportunity Policy throughout departmental facilities.
7. All written bid announcements, request for proposals, employment announcements, requests for applications, program brochures, literature and general solicitations shall include the phrase:

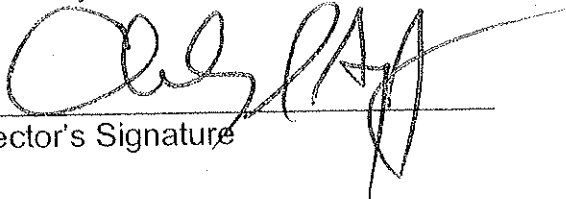
"AN EQUAL EMPLOYMENT OPPORTUNITY AGENCY"

The Arizona Department of Corrections is committed to ensuring equal opportunity to employ and advance in employment qualified females, minorities, individuals with disabilities, special disabled veterans, and Vietnam Era veterans at all levels of employment.

As Director of the Arizona Department of Corrections, I am committed to the principles of Equal Employment Opportunity. To ensure the dissemination and implementation of the Equal Opportunity Program throughout all levels of the Department, Norma J. Abbl, the Administrator of Employee Relations, through the Agency appointed Equal Opportunity Coordinator will provide direct oversight of this program to ensure compliance.

All Divisions and management personnel shall actively support recruitment and career development programs to ensure equitable representation of females, minorities, and individuals with disabilities, special disabled veterans and Vietnam Era veterans in all job categories.

This policy is accessible to employees via the internet at azcorrections.gov, or the department's intranet. The Equal Opportunity Unit can be contacted directly by phone at (602) 364-1895. The Equal Opportunity Employment Policy is posted in conspicuous and easily accessible places throughout the Department



Director's Signature

2. 10. 10
Date

Sexual Harassment:

A Guide for Supervisors

Question

In the last week what have you done as a supervisor to prevent sexual harassment?

ADC D.O. 501.04

➤ **Supervisors at all levels shall:**

- Ensure that their subordinates are provided with sufficient training to enable them to understand the elements of sexual harassment.
- Clearly communicate to their subordinates that sexual harassment will not be tolerated.
- Take immediate and appropriate action to stop sexual harassment if they observe it occurring or are aware or have been made aware that it is occurring or has occurred.
- Request or initiate an investigation of any allegations of sexual harassment.
- Request investigation of incidents involving sexual harassment and take immediate and appropriate corrective action.

Performance Objectives

1. Cite Title VII law concerning sexual harassment.
2. Describe actions supervisors should take in sexual harassment situations.
3. Discuss how supervisors can prevent sexual harassment.

Sexual Harassment
A Guide for Supervisors

Title VII

- > Title VII of the Civil Rights Act of 1964
- > Sexual harassment is a form of sex discrimination.
- > It applies to employers with 15 or more employees, including state and local governments, employment agencies, labor organizations, and the federal government.

Sexual Harassment
A Guide for Supervisors

Definition of Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Sexual Harassment
A Guide for Supervisors

Circumstances

- The victim, as well as the harasser, may be a man or a woman.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual conduct may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

Sex Harassment
A Guide for Supervisors

The Victim

- It is helpful for the victim to inform the harasser directly that the conduct is unwelcome and must stop.
- The victim should use any employer complaint mechanism or grievance system available.

Sex Harassment
A Guide for Supervisors

Case by Case Basis

- The EEOC looks at the whole record.
 - Circumstances
 - Nature of the sexual advances
 - The context

Sex Harassment
A Guide for Supervisors

It is unlawful to retaliate for...

- Opposing employment practices that discriminate based on sex
- Filing a charge
- Testifying
- Participating in any way in the investigation, proceedings, or litigation

Sexual Harassment
A Guide for Supervisors

10

Two Types of Sexual Harassment

- Quid Pro Quo
- Environmental

Sexual Harassment
A Guide for Supervisors

11

Quid Pro Quo Sexual Harassment

"This for that" - Submission to such conduct is made either explicitly or implicitly a term or condition of employment, or submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee.

Sexual Harassment
A Guide for Supervisors

12

Environmental Sexual Harassment

Creating or condoning a sexually intimidating, hostile, or offensive work environment

Sexual Harassment
A Guide for Employers

10

A single incident may be sexual harassment

A single, unusually severe, incident of harassment may be sufficient to constitute sexual harassment. The more severe the harassment, the less need to show a repetitive series of incidents.

Sexual Harassment
A Guide for Employers

11

Verbal Remarks

- Can constitute sexual harassment
- Circumstances must be evaluated to ascertain the nature, frequency, context, and intended target.
 - Were the remarks hostile and derogatory?
 - Did the harasser single out the victim?
 - Did the victim participate in the exchange?
 - Is there a relationship between the victim and the harasser?

Sexual Harassment
A Guide for Employers

12

Walk the Talk

Sometimes supervisors who say they do not tolerate harassment do not prove that with action. If you turn a blind eye to situations that are potentially sexual harassment, such behavior tells your staff that you condone it.

Sexual Harassment
A Guide for Supervisors

10

Risk Factors

- Differing values which result in prejudices
- Differing values which accept behaviors and terms unacceptable in a professional setting
- A climate that accepts negative comments, remarks, jokes, or remarks about appearance
- Attempts to establish personal relationships

Sexual Harassment
A Guide for Supervisors

11

Victims do not report...

- Because of
 - Fear of reprisal
 - Fear of being ostracized
 - Fear of not being believed
 - Lack of awareness of the complaint procedure
 - Lack of trust in leaders

Sexual Harassment
A Guide for Supervisors

12

ADC D.O. 501.04

Supervisors at all levels shall:

- Ensure that their subordinates are provided with sufficient training to enable them to understand the elements of sexual harassment.
- Clearly communicate to their subordinates that sexual harassment will not be tolerated.
- Take immediate and appropriate action to stop sexual harassment if they observe it occurring or are aware or have been made aware that it is occurring or has occurred.
- Request or initiate an investigation of any allegations of sexual harassment.
- Request investigation of incidents involving sexual harassment and take immediate and appropriate corrective action.

Sexual Harassment
A Guide for Supervisors

TIPS FOR SUPERVISORS

- Create a work environment free from any form of sexual harassment and unprofessional conduct by constantly monitoring and observing employee and workplace conduct.
- Take immediate and appropriate action to stop and correct any conduct of an unprofessional or sexual nature. Report incidents of discrimination directly to your Warden or Administrator and the Equal Opportunity unit if you witness it, or if it is reported to you.
- Serve as a role model by complying with Department policies.
- Be fair and consistent with all of your employees.

Sexual Harassment
A Guide for Supervisors

TIPS FOR SUPERVISORS

- Consult with the Equal Opportunity Unit for guidance.
- ADC employees should also be aware that it is unlawful to retaliate against individuals for filing a charge of discrimination, participating in a discrimination proceeding, or otherwise opposing discrimination. An employer may not fire, demote, harass or otherwise "retaliate" against an individual for filing a charge.
- As an employee of the Department of Corrections, if you or anyone you know feels they have been discriminated or harassed or if you have any questions regarding the information presented please contact Eric Abl, Equal Opportunity Coordinator at (802) 542-3161 or EAB1@azcorrections.gov.

Sexual Harassment
A Guide for Supervisors